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December 28, 2018

Hon. Kiyo A. Matsumoto
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Jennette et al. v. Givons-Davis et al.,
No. 1:18-cv-02291-KAM-CLP

Your Honor,

I represent the defendants in this matter. I write pursuant to the Court's direction at the conference held October 25, 2018 to (1) describe the basis for Defendants' pre-answer motions; and (2) propose a briefing schedule on consent.

Plaintiffs filed an Amended Complaint on November 25, 2018 asserting claims against Kevin Davis and Nancy Givons-Davis.

Defendants will move to dismiss all claims against Ms. Givons-Davis for lack of personal jurisdiction, Fed. R. Civ. P. 12(b)(2), and failure to state a claim, Fed. R. Civ. P. 12(b)(6). Like the original complaint, the Amended Complaint pleads no jurisdictional contact between Ms. Davis and the New York forum. And the claims against Ms. Givons-Davis are without basis: neither Ms. Givons-Davis' former marriage to defendant Kevin Davis, nor her alleged residence in a home purchased by Mr. Davis, is a valid basis for Plaintiffs' purported claims against her. Defendants described each of these deficiencies in their pre-motion letter seeking permission to move for dismissal of claims in the original complaint, (ECF Doc. No. 27), and the Court addressed them at the October 25 conference. We anticipate that a transcript of the conference will be annexed as an exhibit to Defendants' motion.

Defendants will also seek Rule 11 sanctions. On November 15, 2018, I served upon Plaintiffs' counsel a letter inviting the withdrawal of claims against Ms. Givons-Davis. Fed. R. Civ. P. 11(c)(2). Plaintiffs' claims against Ms. Givons-Davis are not warranted by existing law, present frivolous arguments, and have been filed for the purpose of harassing defendants and causing defendants to bear unnecessary legal fees. My letter attached Defendants' notice of motion for sanctions. Fed. R. Civ. P. 11(c)(2); Star Mark Mgmt., Inc. v. Koon Chung Hing Kee Soy & Sauce Factory, Ltd., 682 F.3d 170, 177 (3d Cir. 2012).

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I have conferred with Plaintiffs' counsel regarding a briefing schedule on Defendants' motions. The parties jointly propose as follows:

Defendants' Motion: February 1, 2019

Plaintiffs' Opposition: March 1, 2019

Defendants' Reply: March 15, 2019

Defendants thank the Court for its consideration. I wish the Court and counsel a happy New Year.

Respectfully submitted,



Wesley M. Mullen